

UNITED STATES COURT OF MILITARY COMMISSION REVIEW

UNITED STATES OF AMERICA

v.

OMAR AHMED KHADR

CMCR CASE NO. 07-0001

***DISCLOSURE CONCERNING
MOTION TO ABATE AND MOTION
TO ATTACH DOCUMENTS.***

23 JULY 2007

Upon review and consideration of the Appellee's Motion to Abate Proceedings and Motion to Attach documents, filed with this Court on 19 July 2007, the following disclosure is made to the parties:

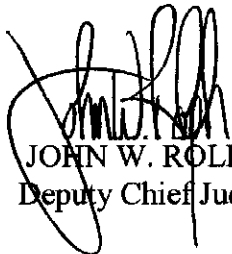
DISCLOSURE:

References:

- a. ABA Model Code of Judicial Conduct, Canon 2
- b. ABA Model Code of Judicial Conduct, Canon 3

1. In light of the nature of the Appellee's Motion to Abate Proceedings, and in considered deference to the references cited above, I hereby disclose to all parties the relevant matters relating to an email inquiry sent by me to the offices of the Department of Defense (DoD) General Counsel, and the response I received on the same day.

2. In the Attachment, I quote the relevant portions of the email I sent, and summarize the reply I received, both of which occurred on 11 July 2007. They are provided for whatever relevance they may have in relation to the Appellee's Motion to Abate Proceedings.


JOHN W. ROLPH
Deputy Chief Judge

Attachment (1): Summary of Rolph email to DoD General Counsel's office of 11 July 2007, and response received.

Attachment (1)

Summary of 11 July 2007 Email

On Wednesday, 11 July 2007, Captain John W. Rolph, JAGC, USN, in his capacity as Deputy Chief Judge of the U.S. Court of Military Commission Review, sent an email to the Office of the General Counsel (OGC), DoD, asking the question:

"[H]as the SecDef ratified in writing the Chief Judge/Deputy Chief Judge and military appellate judge appointments that were approved by Secretary England on June 15th and on May 8th respectively? As you know, Section 950f of the MCA 2006 states that 'The Secretary shall assign appellate military judges to a Court of Military Commission Review.' If it is not too much trouble, it would be useful for the CMCR to have that documentation in hand for the Court's historical record, and in case subsequent validation of our appointments is required."

Captain Rolph received a reply on the same day from OGC stating that they were working on the issue. He did not receive any guidance or further documentation.
